

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

DRAFT
10.7.19

BILL 4

LLS NO. 20-0346.01 Richard Sweetman x4333

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

BILL TOPIC: "Driving Instruction For Foster Children"

A BILL FOR AN ACT

101 **CONCERNING THE ACQUISITION OF DRIVERS' LICENSES BY CERTAIN**
102 **PERSONS IN THE CUSTODY OF THE STATE DEPARTMENT OF**
103 **HUMAN SERVICES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Transportation Legislation Review Committee. The bill creates the foster children's driver education grant program (program) in the state department of human services (state department) to reimburse county departments of human or social services (county departments) for costs paid to private driving schools for providing driving instruction to

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

persons in the custody of the state department who are at least 15 years and less than 18 years of age. The state department shall administer the program and award grants to county departments.

On or before December 1, 2020, the state board of human services (state board) shall promulgate rules for the administration of the program. On or before November 1, 2021, and on or before January 1 each year thereafter, each county department that receives a grant through the program shall submit a report to the state department. At a minimum, the report must include the information required by rules promulgated by the state board. On or before January 1, 2021, and on or before January 1 each year thereafter for the duration of the program, the state department shall submit a summarized report to the appropriate reference committees of the general assembly. At a minimum, the report must include the information submitted to the state department by county departments.

The program is repealed, effective September 1, 2030. Before the repeal, the program is scheduled for a sunset review by the department of regulatory agencies.

The bill states that the program does not create any liability on behalf of a county department for contracting with a private driving school to provide driving instruction or for an injury alleged to have occurred while a person in the custody of the state department receives driving instruction from a private driving school, the cost of which instruction may be reimbursed to the county department from the program.

The bill states that a certified court order is sufficient to establish the legal name, identity, date of birth, lawful presence in the United States, or Colorado residency of a person who is in the custody of the state department, is at least 15 years and less than 18 years of age, and is applying for a driver's license.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 25 to title
3 26 as follows:

4 **ARTICLE 25**

5 **Driver Education for Foster Children**

6 **26-25-101. Foster children's driver education grant program**

7 **- rules - report.** (1) THE FOSTER CHILDREN'S DRIVER EDUCATION GRANT
8 PROGRAM, REFERRED TO IN THIS ARTICLE 25 AS THE "PROGRAM", IS

1 CREATED IN THE STATE DEPARTMENT TO REIMBURSE COUNTY
2 DEPARTMENTS FOR COSTS PAID TO PRIVATE DRIVING SCHOOLS THAT
3 PROVIDE DRIVING INSTRUCTION TO PERSONS IN THE CUSTODY OF THE
4 STATE DEPARTMENT WHO ARE AT LEAST FIFTEEN YEARS AND LESS THAN
5 EIGHTEEN YEARS OF AGE. COUNTY DEPARTMENTS THAT RECEIVE GRANT
6 MONEY FROM THE PROGRAM SHALL USE THE GRANT MONEY ONLY FOR THE
7 PURPOSE SPECIFIED IN THIS SUBSECTION (1).

8 (2) THE STATE DEPARTMENT SHALL ADMINISTER THE PROGRAM
9 AND AWARD GRANTS AS PROVIDED IN THIS SECTION AND BY RULES
10 ADOPTED PURSUANT TO THIS SECTION.

11 (3) THE STATE DEPARTMENT MAY SEEK AND ACCEPT GIFTS,
12 GRANTS, AND DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
13 PURPOSES OF THIS SECTION; EXCEPT THAT THE STATE DEPARTMENT MAY
14 NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO
15 CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER
16 LAW OF THE STATE.

17 (4)(a) THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY TO THE
18 STATE DEPARTMENT FOR USE IN IMPLEMENTING AND ADMINISTERING THE
19 PROGRAM.

20 (b) THE STATE DEPARTMENT MAY USE UP TO THREE PERCENT OF
21 ANY MONEY APPROPRIATED FOR THE PROGRAM TO PAY THE DIRECT AND
22 INDIRECT COSTS THAT THE STATE DEPARTMENT INCURS TO ADMINISTER
23 THE PROGRAM.

24 (5) PURSUANT TO ARTICLE 4 OF TITLE 24, ON OR BEFORE
25 DECEMBER 1, 2020, THE STATE BOARD SHALL PROMULGATE RULES FOR
26 THE ADMINISTRATION OF THE PROGRAM. AT A MINIMUM, THE RULES MUST
27 SPECIFY THE TIME FRAME FOR APPLYING FOR GRANTS, THE FORM OF THE

1 GRANT PROGRAM APPLICATION, THE TIME FRAME FOR DISTRIBUTING
2 GRANT MONEY, AND THE MINIMUM INFORMATION TO BE INCLUDED IN THE
3 REPORTS DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION.

4 (6) (a) ON OR BEFORE NOVEMBER 1, 2021, AND ON OR BEFORE
5 NOVEMBER 1 EACH YEAR THEREAFTER, EACH COUNTY DEPARTMENT THAT
6 RECEIVED A GRANT THROUGH THE GRANT PROGRAM IN THE PRECEDING
7 TWELVE MONTHS SHALL SUBMIT A REPORT TO THE STATE DEPARTMENT.
8 AT A MINIMUM, THE REPORT MUST INCLUDE THE INFORMATION REQUIRED
9 BY RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SUBSECTION
10 (5) OF THIS SECTION.

11 (b) ON OR BEFORE JANUARY 1, 2022, AND ON OR BEFORE JANUARY
12 1 EACH YEAR THEREAFTER FOR THE DURATION OF THE GRANT PROGRAM,
13 THE STATE DEPARTMENT SHALL SUBMIT A SUMMARY REPORT TO THE
14 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
15 REPRESENTATIVES AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF
16 THE SENATE, OR THEIR SUCCESSOR COMMITTEES. AT A MINIMUM, THE
17 REPORT MUST INCLUDE THE INFORMATION SUBMITTED TO THE STATE
18 DEPARTMENT BY COUNTY DEPARTMENTS PURSUANT TO SUBSECTION (6)(a)
19 OF THIS SECTION.

20 (c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
21 REPORTING REQUIREMENTS SET FORTH IN THIS SUBSECTION (6) CONTINUE
22 INDEFINITELY.

23 **26-25-102. No liability created.** (1) NOTHING IN THIS ARTICLE 25
24 CREATES ANY LIABILITY ON BEHALF OF A COUNTY DEPARTMENT FOR:

25 (a) CONTRACTING WITH A PRIVATE DRIVING SCHOOL TO PROVIDE
26 DRIVING INSTRUCTION TO A PERSON IN THE CUSTODY OF THE STATE
27 DEPARTMENT WHO IS AT LEAST FIFTEEN YEARS AND LESS THAN EIGHTEEN

1 YEARS OF AGE; OR

2 (b) AN INJURY ALLEGED TO HAVE OCCURRED WHILE A PERSON IN
3 THE CUSTODY OF THE STATE DEPARTMENT RECEIVES DRIVING
4 INSTRUCTION FROM A PRIVATE DRIVING SCHOOL, THE COST OF WHICH
5 INSTRUCTION MAY BE REIMBURSED TO THE COUNTY DEPARTMENT
6 PURSUANT TO THE PROGRAM.

7 (2) NOTHING IN THIS ARTICLE 25 WAIVES OR LIMITS ANY
8 GOVERNMENTAL IMMUNITY, AS DESCRIBED IN ARTICLE 10 OF TITLE 24, OF
9 ANY PERSON.

10 **26-25-103. Repeal of article - sunset review.** THIS ARTICLE 25 IS
11 REPEALED, EFFECTIVE SEPTEMBER 1, 2030. BEFORE THE REPEAL, THE
12 PROGRAM IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION
13 24-34-104.

14 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **add**
15 (31)(a)(V) as follows:

16 **24-34-104. General assembly review of regulatory agencies**
17 **and functions for repeal, continuation, or reestablishment - legislative**
18 **declaration - repeal.** (31) (a) The following agencies, functions, or both,
19 are scheduled for repeal on September 1, 2030:

20 (V) THE FOSTER CHILDREN'S DRIVER EDUCATION GRANT PROGRAM
21 CREATED IN SECTION 26-25-101.

22 **SECTION 3.** In Colorado Revised Statutes, 42-2-108, **add** (5) as
23 follows:

24 **42-2-108. Application of minors.** (5) A CERTIFIED COURT ORDER
25 IS SUFFICIENT TO ESTABLISH THE LEGAL NAME, IDENTITY, DATE OF BIRTH,
26 LAWFUL PRESENCE IN THE UNITED STATES, AND COLORADO RESIDENCY OF
27 A PERSON WHO IS IN THE CUSTODY OF THE DEPARTMENT OF HUMAN

1 SERVICES, IS AT LEAST FIFTEEN YEARS AND LESS THAN EIGHTEEN YEARS
2 OF AGE, AND IS APPLYING FOR A DRIVER'S LICENSE.

3 **SECTION 4. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2020 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.